

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

QUINTEZ TALLEY,) Civil Action No. 2: 19-cv-0308
Plaintiff,) United States District Judge
v.) Nora Barry Fischer
PENNSYLVANIA DEPT. OF)
CORRECTIONS, et al.,)
Defendants.)

MEMORANDUM OPINION

This prisoner civil rights suit was commenced on March 19, 2019, and referred to Chief United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Plaintiff's operative pleading is the Second Amended Complaint (ECF No. 35), to which Defendants filed a motion to dismiss. (ECF No. 36).

The Magistrate Judge's report and recommendation ("R&R"), dated May 22, 2020, recommends that the motion to dismiss be granted in its entirety and that this case be dismissed for failure to state a claim. (ECF No. 39). Plaintiff filed timely objections to the R&R. (ECF No. 42).

The filing of timely objections requires the court to "make a *de novo* determination of those portions of the report or specified findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989);

Fed.R.Civ.P.72(b)(3). In doing so, the Court may accept, reject, or modify, in whole or in part, the findings and recommendations contained in the report. 28 U.S.C. § 636(b)(1)(C).

After *de novo* review of the pleadings and documents in this case, together with the report and recommendation, and the objections thereto, the Court finds that Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge. Therefore, the motion to dismiss will be granted in its entirety based on Plaintiff's failure to state a claim.

The Court will decline to exercise supplemental jurisdiction over the state law claims Plaintiff has brought against the Defendants and, as a result, these claims will be dismissed without prejudice for want of jurisdiction. An appropriate Order will be entered.

Dated: June 5, 2020

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

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